

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6998

BILL NUMBER: SB 343

DATE PREPARED: Mar 22, 2002

BILL AMENDED: Mar 14, 2002

SUBJECT: Alcohol and Drug Services Program.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (CCR Amended) This bill has the following provisions:

(A) It provides that an alcohol and drug services program is available only to a person charged with or convicted of a misdemeanor or felony.

(B) It permits a court to contract with outside service providers if they are licensed by the state or approved by the Judicial Center.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Depending on how many counties decide to implement drug courts, the Indiana Judicial Center may need to add staff to monitor and certify the drug court services programs.

If more felony offenders are able to be diverted to drug courts instead of Department of Correction (DOC) facilities, the state could realize significant savings. Preliminary statistics indicate that a felon sentenced through a drug court may cost between \$2,000 and \$3,000 per year. This compares to the average expenditure to house an adult offender of \$22,131 in FY 2000.

Explanation of State Revenues:

Explanation of Local Expenditures: *(Revised) Background:* The Indiana Judicial Center reports that there are currently 12 drug courts operating in Indiana and 5 more in the planning phase. Most of these programs operate from revenues from federal and state grants and from other fees that are assessed on program participants. Currently, there are no state laws or state operating guidelines for drug courts. Courts receiving federal grants must follow the standards and guidelines specified by the federal government.

The costs of drug courts may, at the discretion of the fiscal body of the local unit, be supplemented by the local unit's general fund and may be further supplemented by the local user fee fund.

This bill would apply to existing and future drug courts. Offenders are eligible if the crime involved the use of alcohol or drugs as a contributing factor or material element of the offense. In addition, offenders may be excluded from participating in the drug court if the crime is a forcible felony, a drug dealing felony, or any other felony that the local drug court committee agrees to exclude. A person may be referred to a drug court either as a term of probation, for violating a condition of probation, or through a special court referral process when a person pleads guilty to an offense.

Provision B: The Division of Mental Health reports 275 certified addiction services providers.

Explanation of Local Revenues: This bill permits a trial court or a city or town court to deposit a drug court fee, not exceeding \$500, into a county user fee fund or into a city or town fund if the court is a city or town court. There are two city courts which currently operate drug courts.

State Agencies Affected: Indiana Judicial Center.

Local Agencies Affected: Trial courts and city and town courts.

Information Sources: Cheri Harris, Indiana Judicial Center.